

Memorandum

United States Bankruptcy Court
Southern District of Georgia

PUBLIC NOTICE

FROM: Michael F. McHugh, Clerk of Court

SUBJECT: Revision to Federal Rules of Bankruptcy Procedure, Relevant Federal Rules of Civil Procedure and Official Bankruptcy Forms **Effective December 1, 2001,**

NOTICE is given that Congress has taken no action on the amendments to the Federal Rules of Civil and Bankruptcy Procedure approved by the Supreme Court on April 23, 2001. Accordingly, the amendments to the rules are **effective December 1, 2001**, including:

- Bankruptcy Rules 1007, 2002, 3016, 3017, 3020, 9006, 9020 and 9022; and
- Civil Rules 5, 6, 65, 77, 81 and 82

Federal Rule of Civil Procedure 5(b) is amended to authorize service, excepting that of a summons and complaint, on any consenting party by electronic means. This rule applies to bankruptcy adversary proceedings through the application of Federal Rule of Bankruptcy Procedure 7005, which incorporates by reference Civil Rule 5.

Amendments to Federal Rule of Bankruptcy Procedure 9006(f) will conform to a December 1 amendment to Federal Rule of Civil Procedure 6(e) which will afford electronic service the additional three days, which presently is applicable to service by mail.

Amendments to Federal Rule of Bankruptcy Procedure 9022(a) will conform to a December 1 amendment to Federal Rule of Civil Procedure 77(d), which will permit notice of entry of a judgment or order to be served by electronic means on consenting parties.

Amendments to eight additional Federal Rules of Bankruptcy Procedure also are effective on December 1. Further, the Judicial Conference of the United States has approved amendments to two Official Bankruptcy Forms. These amendments are effective on December 1 as well. Amendments to the following four Federal Rules of Bankruptcy Procedure require that when a plan contains injunctions, the plan proponent must give clear and conspicuous notice to all parties that may be affected that the plan contains injunctions, which may affect their rights. These amendments are to Federal Rules of Bankruptcy Procedure 2002(c), 3016, 3017 and 3020. They are intended to operate in coordination with a December 1999 amendment to Federal Rule of Bankruptcy Procedure 7001, which provides that no separate adversary proceeding need be filed to obtain an injunction that is part of a plan. Amendments to Official Form 15, Order Confirming a Plan, conform to the rules.

Additional rules amendments that are effective December 1 will create a new subdivision (m) to Federal Rule of Bankruptcy Procedure 1007 to require listing of the name and address of a legal representative of a minor or incompetent person and amend Federal Rule of Bankruptcy Procedure 2002(g) to provide for giving notice of events in a case to a minor or incompetent person. Federal Rule of Bankruptcy Procedure 9020, which governs the issuance of an order of contempt, has been amended to delete the 10-day stay and the requirement for *de novo* review by the district court. Commencing December 1, a request for an order of contempt will be treated as a contested matter under Federal Rule of Bankruptcy Procedure 9014.

Official Form 1, the Voluntary Petition, is amended effective December 1, to include an Exhibit C. If a debtor owns or has possession of any property that poses or is alleged to pose a threat of imminent harm to public health or safety, the debtor must so indicate and attach a description of the property. The purpose of the amendment is to notify the United States Trustee or bankruptcy administrator and any case trustee of the presence of the hazard or potential hazard so that protective action can be taken forthwith.